

REMARKS

Introduction

Prior to entry of the claim amendments presented above, claims 1-7 were pending in the application. Claims 1-7 have been canceled without prejudice or disclaimer of the subject matter claimed therein, and claims 8-28 have been added. The amendments to the claims are supported throughout the specification and particularly at page 4, lines 13-19.

In the Office Action dated August 10, 2005, claims 1-7 were rejected under 35 USC § 102(b) as anticipated by DE003684953A1, and under § 102a) as anticipated by Kuhne. The specific grounds of rejection, and applicants' response thereto, as set forth in detail below.

Rejections under 35 USC §102

Claims 1-7 are rejected under 35 USC § 102(b) as anticipated by DE003684953A1, and under § 102a) as anticipated by Kuhne. Applicants respectfully traverse.

It is axiomatic that, for a prior art reference to be anticipatory, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). Neither of the cited references describes every element of the claimed invention and, accordingly, cannot anticipate the claimed invention.

The amended claims presented herein specify that the claimed methods are for treating cancer in a mammal where the cancer is characterized by reduced expression of DCC protein. Neither of the cited references teach that the "tumors" described in DE003684953A1, or the lymphoma described in Kuhne, are characterized by reduced expression of DCC protein. In addition, neither reference describes treatment of any of the cancers recited in claims 9-17. Accordingly, the cited references do not teach each and every limitation of the claimed invention and the rejection should be withdrawn.

CONCLUSION

In view of the above amendment and remarks, applicants respectfully request that all objections and rejections be withdrawn and that a notice of allowance be forthcoming. The Examiner is invited to contact the undersigned attorney for applicants at 202-912-2197 for any reason related to the advancement of this case.

Respectfully submitted,



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